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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

David Morrow, et al.

Group Art Unit: 3617

Serial No. 09/174,804

Examiner: M. Chambers

Filed: October 19, 1998

For: SCOOPED LACROSSE HEAD

Attorney Docket No: WL1 1004 R

I hereby certify that this correspondence is being submitted via facsimile addressed to: Derrick Woods at (703) 308-6916 on:

8/26/2002  
Date of Deposit*Letitia G. Ford*  
Signature

**PETITION FOR WITHDRAWAL FROM ISSUE FOR**  
**ABANDONMENT TO PERMIT CONSIDERATION OF AN**  
**INFORMATION DISCLOSURE STATEMENT UNDER §1.97 IN A**  
**CONTINUING APPLICATION (37 C.F.R. §1.313(b)(5))**

Box 313b  
Assistant Commissioner for Patents  
Crystal Park One, Suite 520  
Washington, D.C. 20231

Sir:

Applicants hereby request that the present case be withdrawn from issue in order to consider a publication.

Applicants recently realized that the attached document might not have been considered by the Examiner during prosecution. The document is not believed to be prior art, but was submitted as an attachment to a Declaration during prosecution. However, in the Statement of Reasons for Allowance, the Examiner indicated that he did not need to consider the Declaration as the claims distinguished over the prior art of record. Applicants, however, believe that the cited publication should be considered in

U.S.S.N. 09/174,804

-2-

WLI 1004 R

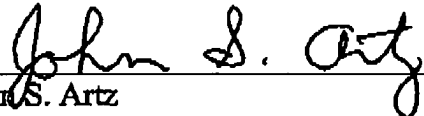
the present application and are citing it out of an abundance of caution and to fully comply with the duty of candor. Applicant therefore respectfully requests that this case be withdrawn from issue so that this publication may be considered.

A Continuing Prosecution Application (CPA) is being filed simultaneously herewith in order for the cited publication to be fully considered.

The Commissioner is authorized to charge any fees which may be required or credit overpayment to Account No. 50-0476.

Respectfully submitted,

ARTZ & ARTZ

  
John S. Artz  
Registration No. 36,431  
28333 Telegraph Road, Ste. 250  
Southfield, MI 48034  
(248) 223-9500

Date: August 26, 2002



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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#35

Paper No.

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AUG 27 2002

OFFICE OF PETITIONS

In re Application of :  
David Morrow et al :  
Application No. 09/174,804 :  
Filed: October 19, 1998 :  
Attorney Docket No. WLI 1004 R :

ON PETITION

This is a decision on the petition, filed August 26, 2002, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

*Petitioner is advised that the issue fee paid on August 12, 2002 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed by facsimile transmission on August 26, 2002.*

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The application is being forwarded to Technology Center Art Unit 3711 for processing of the CPA.

*Karen Cressy*  
Karen Cressy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy